

M-14

PATENT COOPERATION TREATY

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NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents
United States Patent and Trademark
Office
Box PCT
Washington, D.C.20231
ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing (day/month/year)
17 March 2000 (17.03.00)

International application No.
PCT/DK99/00339

Applicant's or agent's file reference
21355 PC 1

International filing date (day/month/year)
18 June 1999 (18.06.99)

Priority date (day/month/year)
23 June 1998 (23.06.98)

Applicant

BRUUN, Brian et al

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:
24 January 2000 (24.01.00)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

Authorized officer

Claudio Borton

Telephone No.: (41-22) 338.83.38

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INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 21355 PC 1	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/DK 99/ 00339	International filing date (day/month/year) 18/06/1999	(Earliest) Priority Date (day/month/year) 23/06/1998
Applicant CRISPLANT A/S et al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :



contained in the international application in written form.



filed together with the international application in computer readable form.



furnished subsequently to this Authority in written form.



furnished subsequently to this Authority in computer readable form.



the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.



the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

7



as suggested by the applicant.



None of the figures.



because the applicant failed to suggest a figure.



because this figure better characterizes the invention.

INTERNATIONAL SEARCH REPORT

International Application No

/DK 99/00339

A. CLASSIFICATION OF SUBJECT MATTER

IPC 6 B65G47/50 B65G1/04 B65G47/82

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 B65G B64F B07C

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	GB 1 384 593 A (RAPISTAN INC) 19 February 1975 (1975-02-19)	1, 11, 17, 18
Y	the whole document	26
Y	US 5 273 389 A (NAKANISHI KAZUO ET AL) 28 December 1993 (1993-12-28)	26
A	EP 0 742 163 A (WEBB INT CO JERVIS B) 13 November 1996 (1996-11-13)	1, 26
	the whole document & US 5 575 375 A (WEBB) cited in the application	
A	US 4 484 289 A (HEMOND ROBERT F) 20 November 1984 (1984-11-20)	1, 26
	the whole document	



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

° Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

10 November 1999

Date of mailing of the international search report

17/11/1999

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Ostyn, T

INTERNATIONAL SEARCH REPORT

International Application No
T/DK 99/00339

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 4 561 060 A (HEMOND ROBERT F) 24 December 1985 (1985-12-24) the whole document ----	1,26
X	GB 1 225 974 A (WILLIAMSON) 24 March 1971 (1971-03-24) page 5, column 1, line 22 -page 6, column 2, line 114; figures -----	42

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/DK 99/00339

Patent document cited in search report		Publication date	Patent family member(s)		Publication date
GB 1384593	A	19-02-1975	NONE		
US 5273389	A	28-12-1993	DE 4210103 A		01-10-1992
			IT 1253962 B		05-09-1995
EP 0742163	A	13-11-1996	US 5575375 A		19-11-1996
			AU 696413 B		10-09-1998
			AU 5082796 A		21-11-1996
			BR 9602183 A		30-06-1998
			CA 2174990 A		10-11-1996
			CN 1139638 A		08-01-1997
			CZ 9601339 A		13-11-1996
			FI 961948 A		10-11-1996
			JP 9226928 A		02-09-1997
			NO 961868 A		11-11-1996
			NZ 286531 A		19-12-1997
			PL 314122 A		12-11-1996
			SG 47132 A		20-03-1998
US 4484289	A	20-11-1984	CA 1184276 A		19-03-1985
			DE 3373949 A		05-11-1987
			EP 0088504 A		14-09-1983
			JP 1608387 C		28-06-1991
			JP 2029468 B		29-06-1990
			JP 58132446 A		06-08-1983
			US 4561060 A		24-12-1985
US 4561060	A	24-12-1985	US 4484289 A		20-11-1984
			CA 1184276 A		19-03-1985
			DE 3373949 A		05-11-1987
			EP 0088504 A		14-09-1983
			JP 1608387 C		28-06-1991
			JP 2029468 B		29-06-1990
			JP 58132446 A		06-08-1983
GB 1225974	A	24-03-1971	NONE		

INTERNATIONAL SEARCH REPORT

Information on patent family members

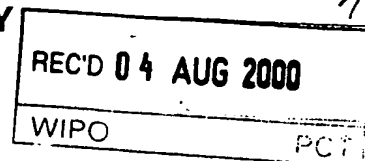
International Application No

PCT/DK 99/00339

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
GB 1384593	A	19-02-1975	NONE	
US 5273389	A	28-12-1993	DE 4210103 A IT 1253962 B	01-10-1992 05-09-1995
EP 0742163	A	13-11-1996	US 5575375 A AU 696413 B AU 5082796 A BR 9602183 A CA 2174990 A CN 1139638 A CZ 9601339 A FI 961948 A JP 9226928 A NO 961868 A NZ 286531 A PL 314122 A SG 47132 A	19-11-1996 10-09-1998 21-11-1996 30-06-1998 10-11-1996 08-01-1997 13-11-1996 10-11-1996 02-09-1997 11-11-1996 19-12-1997 12-11-1996 20-03-1998
US 4484289	A	20-11-1984	CA 1184276 A DE 3373949 A EP 0088504 A JP 1608387 C JP 2029468 B JP 58132446 A US 4561060 A	19-03-1985 05-11-1987 14-09-1983 28-06-1991 29-06-1990 06-08-1983 24-12-1985
US 4561060	A	24-12-1985	US 4484289 A CA 1184276 A DE 3373949 A EP 0088504 A JP 1608387 C JP 2029468 B JP 58132446 A	20-11-1984 19-03-1985 05-11-1987 14-09-1983 28-06-1991 29-06-1990 06-08-1983
GB 1225974	A	24-03-1971	NONE	

PATENT COOPERATION TREATY

PCT



INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 21355 PC 1		See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) FOR FURTHER ACTION	
International application No. PCT/DK99/00339	International filing date (day/month/year) 18/06/1999	Priority date (day/month/year) 23/06/1998	
International Patent Classification (IPC) or national classification and IPC B65G47/50			
Applicant CRISPLANT A/S et al.			



1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☒ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 24/01/2000	Date of completion of this report 02.08.2000
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Denantes, A Telephone No. +49 89 2399 2624 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/DK99/00339

I. Basis of the report

1. This report has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

Description, pages:

1-24 as originally filed

Claims, No.:

1-45 as originally filed

Drawings, sheets:

1/19-19/19 as originally filed

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
☐ paid additional fees.
☐ paid additional fees under protest.
☒ neither restricted nor paid additional fees.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/DK99/00339

2. ☐ This Authority found that the requirement of unity of invention is not complied and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
- ☐ complied with.
- ☒ not complied with for the following reasons:

see separate sheet

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:
- ☐ all parts.
- ☒ the parts relating to claims Nos. 1-41.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	2-25, 27-41
	No:	Claims	1, 26
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-41
Industrial applicability (IA)	Yes:	Claims	1-41
	No:	Claims	

2. Citations and explanations

see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

IV

1. Reference is made to the following documents:

D1: GB-A-1 225 974

D2: GB-A-1 384 593

2. The searched claims 1 to 45 lack unity within the sense of Rule 13.1 PCT for the following reasons:

The common concept linking together the independent claims 1, 26 and 42 is the provision of:

(at least one) storage arrangement/rack comprising a plurality of storage units in each of which a plurality of storage units/articles may be stored/
disposed

This common concept is not novel, see e.g. document D1, page 2, lines 4 to 14; page 5, lines 22 to 40; figures 6 and 8.

Consequently, the following separate inventions or groups of inventions A and B, do not include the same or corresponding special technical features which each of the claimed inventions or groups of inventions makes over the prior art, Rule 13(2) PCT.

- A. Claim 1 (with dependent claims 2 to 25) which defines a method of conveying items using a system (comprising a storage arrangement/rack according to the common concept indicated above) which method further comprises the method steps of
- a) loading items onto trays at least one loading station of a first conveyor, each item being identified and assigned to a destination belonging to a group of predefined destinations; etc.

and

Claim 26 (with dependent claims 27 to 41) which defines a system (comprising a storage arrangement/rack according to the common concept indicated above) which further comprises

at least one loading station for loading items onto trays;
at least one discharge station for discharging items from the trays; etc

- B. Claim 42 (with dependent claims 43 to 45) which defines a storage rack (comprising the features according to the common concept indicated above) which further e.g. comprises

a frame defining [the] storage bays; and
support means for supporting the articles to be stored in each of the storage units.

The requisite unity of invention (Rule 13.1 PCT) does therefore not exist inasmuch as a common technical relationship involving one or more of the same or corresponding special technical features in the sense of Rule 13.2 PCT does not exist between the subject-matter of the inventions or invention-groups A and B.

3. In the absence of any response from the applicant, this authority will establish the international preliminary examination report based on invention group A (i.e. claims 1 to 41) as it, in the opinion of this Authority, appears to relate to the main invention.

V

1. For the reasons already developed under paragraph IV above, the main claims 1 and 26 are not new with regard to the disclosure of D1,

The document D2 also discloses an article storage arrangement 28 with all the features specified in the method claim 1 and in the system claim 26 of the application (see particularly figure 1 and pages 2 and 5 of D2).

Claims 1 and 26 therefore do not meet the requirement of novelty in sense of

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/DK99/00339

Article 33(2) PCT.

2. The features of the dependent claims concern known per se features and/or alternatives obvious for a skilled man.

The dependent claims therefore do not meet the requirement of inventive step in sense of Article 33(3) PCT.

VII

1. The main system claim is not drafted in the two-part form with regard to the disclosure of D2 as required by Rule 6.3(b) PCT.

Reference signs in parentheses are not inserted in the claims to increase their intelligibility, Rule 6.2(b) PCT. This applies to both the preamble and characterising portion.

2. The documents D1 and D2 are not identified in the description and the relevant background art disclosed therein is not briefly discussed, to meet the requirements of Rule 5.1(a)(ii) PCT.

FOR THE PURPOSES OF INFORMATION ONLY

Codes used to identify States party to the PCT on the front pages of pamphlets publishing international applications under the PCT.

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EE	Estonia	LR	Liberia	SG	Singapore		